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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,973	03/12/2004	Gregg W. Frey	2003P18354US	9035

7590
Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, NJ 08830

11/28/2007

EXAMINER
JAWORSKI, FRANCIS J

ART UNIT	PAPER NUMBER
3768	

MAIL DATE	DELIVERY MODE
11/28/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.	FREY ET AL.	
10/799,973		
Examiner Jaworski Francis J.	Art Unit 3768	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 28 February 2007.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,2,5-9,11 and 13-31 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 1-2,5-9,21- 31 is/are allowed.
- 6) Claim(s) 11,13-15 and 17-20 is/are rejected.
- 7) Claim(s) 16 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application
- 6) Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 11 and 13 – 15, 17 – 20 as amended are rejected under 35 U.S.C. 102(b) as being anticipated by Sumanaweera et al (US6359367, of record).

Sumanaweera et al teaches variously a method of interconnecting and structure for a cMUT membrane transducer in the form of a spiral or sparse spiral array may be micromachined onto a silicon or other substrate with element interconnections for spiral and/or sparse or approximate operation thereto, and with element emission faces on ‘top’ of the substrate in the emission direction sense, with interconnections detailed in Col. 2 and col. 3 lines 43 – 49, and with individually isolated connector traces or pads 22 positioned on the peripheral edge surface of the substrate as called for by the amended claim language and or in association with vias extending through the substrate per col. 3 lines 6 – 10. Otherwise the col. 2 description part “(B)” embraces deposition techniques which individually associate some electrodes with the peripheral surface (alternative to through-via) pads and others with interconnection in the sparse groupings. Wire bonding is entertained as an alternative for the connections, see Col. 7 lines 46 – 47.

Claims 17 – 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sumanaweera et al as applied to claim 11 above, and further in view of Baumgartner et al (US6831394, of record). Under this interpretation the method claim as amended is interpreted to demand that the membrane must be a top surface overall for the pad interconnection. [In other words, a lid may occupy a top surface of a cookie jar and the lid handle then be the top surface overall.] While Sumanaweera et al is silent as to this layering feature, Baumgartner et al in col. 4 lines 60 – 61 makes clear that the membrane electrode may be embedded in the membrane, whereupon the upper membrane surface would be the top surface overall for the device. Otherwise the features taught directly in Sumanaweera et al are invoked as above.

Allowable Subject Matter

Claims 1 – 2, 5 – 9 and 21 - 31 are allowed.

Claim 16 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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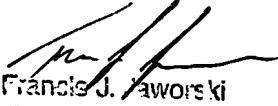
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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Jaworski Francis J. at telephone number 571-272-4738.

FJJ:fjj

11/25/07



Francis J. Jaworski
Primary Examiner